

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Appraisal of Probationary and Trial Period Employees

Number: 418.2

Date: 3/03/88

Originating Office: Personnel Division, Labor and Employee Relations Branch

This Replaces: 418.2 Dated 4/19/82

Distribution: Headquarters, Areas, and Locations

This DIRECTIVE provides guidelines and procedures for appraising the performance, conduct, and general character traits of probationary employees.

Table of Contents

1.	INTRODUCTION	3
2.	ABBREVIATIONS	3
3.	FORMS	3
4.	DEFINITIONS	3
5.	COVERAGE AND LENGTH OF THE PERIOD	4
6.	AUTHORITIES	4
7.	ROLE OF THE SUPERVISOR	4
8.	ROLE OF THE REVIEWING OFFICIAL	5
9.	SEPARATIONS OF EMPLOYEES	6
10.	EMPLOYEE APPEAL RIGHTS	7

1. INTRODUCTION

The probationary period is the final important step in the examining process. The probationary period provides the test of actual job performance and an opportunity to observe the employee's conduct. The probationary period provides a means for separating the probationer from the Service without excessive formality if circumstances warrant. It protects the Government from giving career status to a person who is found in actual practice to lack ability, fitness, or suitability for permanent Government service. It also offers the employee a degree of protection from being retained in a position in which there is little or no prospect of success.

Supervisors are encouraged to use this probationary period for training and development as well as for evaluation and, if necessary, the termination of unsatisfactory employees. It is particularly important for the supervisor to assign work that will adequately challenge the probationer's capabilities. This is done so that the employee is placed in full production as quickly as possible and so that the supervisor has an opportunity to objectively rate the employee's performance.

Information on Agency policy and procedures regarding probationary periods for new supervisors is contained in DIRECTIVE 418.6.

2. ABBREVIATIONS

- NFC - National Finance Center
- LERB - Labor and Employee Relations Branch
- MSPB - Merit Systems Protection Board

3. FORMS

- AD-350, Notification of Personnel Action
- AD-507, Probationary or Trial Period Report
- SF-50, Notification of Personnel Action

4. DEFINITIONS

Probationary period is the first full year of work for any employee selected from a certificate of eligibles. It applies to any career or career-conditional appointment.

Trial period is the first full year of work for an employee serving a conditional appointment under Schedule A Authority.

5. COVERAGE AND LENGTH OF THE PERIOD

Each competitive appointee selected from a certificate is required to complete a probationary period of 1 year.

This requirement for a 1-year probationary period applies to any career or career-conditional appointment where the selection is made from a certificate of eligible, regardless of whether the appointee had previously completed a probationary period. Exceptions are made in some cases involving reinstatements, appointments under special authorities, and conversions to career or career-conditional employment.

Each employee given a conditional appointment under Schedule A Authority will serve a 1-year trial period. If the appointee had previous service under any type of appointment in the same type of work without a break of 30 calendar days or more, that service will be credited toward completion of the trial period.

The probationary or trial period can be extended if the employee is in a nonpay status for more than 22 calendar days for purposes other than Federal Employee's Compensation Act or military service. The period is generally lengthened for an equivalent amount of time in excess of the 22 calendar days.

6. AUTHORITIES

- Public Law 95-454, Title III, Section 303
- Federal Personnel Manual, Chapter 315, Subchapter 8
- Department Personnel Manual, Chapter 315, Subchapter 8
- Department Personnel Manual, Chapter 302, Subchapter 1

7. ROLE OF THE SUPERVISOR

During the probationary or trial period, the supervisor must do the following:

- Within 30 calendar days of the employee reporting for duty, meet with the employee and develop a performance plan for the employee.

- Deliver a written copy of the completed plan to the employee. This plan will be developed in accordance with DIRECTIVE 418.3, ARS Performance Appraisal System.
- Observe the employee's conduct, general character traits, and performance.
- Evaluate the employee's fitness for permanent employment.
- Discuss progress on the job with the employee. Positive feedback to the employee can increase job satisfaction and help retain desirable employees. Constructive criticism of performance deficiencies, misconduct, or behavior problems may be one way to inform the employee about needed changes. Review and/or revision of performance plans may be an outcome of these review sessions.

At any time that it becomes apparent that an employee's conduct, general character traits, or performance do not fit him/her for permanent service, the supervisor must initiate action to separate the employee by completing Form AD-507 and forwarding it through the reviewing official to the LERB.

No earlier than the beginning of the 9th month and no later than the end of the 10th month of the probationary or trial period, the supervisor must complete Form AD-507. The Form AD-507 will be sent from NFC with items 1 through 12 completed. The supervisor is responsible for:

- Completing blocks 13 through 17.
- Signing and dating the report.
- Discussing the report with the employee.
- Forwarding the report to the reviewing official.
- Continuing to observe the employee's performance and reporting any significant change before the end of the probationary or trial period which would affect the appraisal or the recommendation for retention or separation of the employee.

An employee should only be retained if his/her performance is acceptable, i.e., has a performance appraisal score of Fully Successful or above.

8. ROLE OF THE REVIEWING OFFICIAL

The reviewing official is usually the employee's second-level supervisor. This official will:

- Review and evaluate the supervisor's appraisal of the employee on Form AD-507.
- Request any clarifying information from the supervisor.
- Discuss the rating and recommendations with the supervisor, if appropriate.
- Attach any comments to Form AD-507, if desired.
- Forward the Form AD-507 to LERB.

9. SEPARATIONS OF EMPLOYEES

For unsatisfactory performance or conduct after appointment.

- If, after a full and fair trial, the employee demonstrates lack of either fitness or the capacity to acquire fitness to permanent employment, the supervisor will initiate action to separate the employee. The supervisor may take this action at any time during the period for problems with conduct or general character traits. The employee must be given at least 90 calendar days to work under performance standards before action can be taken for performance problems. In any event, action should be taken in sufficient time for the employee to be notified that he/she will not be retained before the expiration of the probationary or trial period.
- The effective date of the separation must be no later the day **before** the last day of the probationary or trial period. Otherwise, separation must be processed under procedures for the separation of an employee who has completed the probationary or trial period.
- If the supervisor wishes to initiate a separation action prior to the issuance of Form AD-507 by NFC, he/she may request a copy of the form from the LERB.

- If an employee is to be separated during the probationary or trial period for deficiencies in performance or conduct after entrance on duty, the employee will be notified in writing by the LERB. The reasons for separation, the effective date of separation, and the Agency's conclusions on the inadequacies of the performance or conduct will be included, as a minimum, in the written notice. MSPB appeal rights as specified in Section K must be included.

For conduct before appointment.

- An employee whose separation is based in whole or in part on his/her conduct before employment is entitled to advance notice, a specific and detailed statement of reasons, the right to reply, consideration of his/her reply, a decision and information of appeal rights to MSPB.
- The notice must state the reasons in sufficient detail for the employee to be able to understand them and reply to them. The employee must be told that he/she may reply in writing and submit affidavits in support of his/her reply. The notice must identify the person or persons to receive the reply and must fix a reasonable time for its preparation and return.
- Bonafide consideration must be given to the employee's answer. If the charges are rebutted successfully the employee should be notified that they are being dropped. Mitigating circumstances may justify a lesser penalty.
- If the employee is to be separated he/she must be furnished a written decision. The decision must state the reasons, identify the charges or reasons relied on by the Agency, and the effective date of the separation. MSPB appeal rights as specified in Section K must be included.

10. EMPLOYEE APPEAL RIGHTS

Separation for unsatisfactory performance or conduct after appointment.

- An employee may appeal to MSPB this type of separation (which was not required by law) which he/she alleges was based on (i) partisan political reasons or marital status, or (ii) race, color, religion, sex, national origin, physical handicap, or age if such discrimination is raised in addition to I

above.

Separation for conduct before appointment.

- An employee separated for reasons based in whole or in part on pre-employment conduct may appeal to MSPB based on the reasons stated in I above or on the grounds that the Agency failed to observe the procedures required for separation.

An appeal must be filed no later than 20 calendar days after the separation has been effected.

Appeals of discrimination based solely on race, color, religion, sex, or national origin, physical handicap, or age are subject to Equal Employment Opportunity Commission regulations and should be processed under the discrimination complaint system.

T. J. CLARK
Deputy Administrator
Administrative Management